

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JORGE H. ARCE-CASTRO,

Petitioner,

v.

WARDEN,

Respondent.

No. 2:23-cv-00764-DAD-DMC (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
HABEAS PETITION DUE TO
PETITIONER'S FAILURE TO PROSECUTE
AND FAILURE TO COMPLY WITH COURT
ORDERS

(Doc. No. 7)

Petitioner Donavon Nordstrom is a federal prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 15, 2023, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to petitioner's failure to comply with court orders and failure to prosecute this action. (Doc. No. 7.) The findings and recommendations were served upon petitioner and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) To date, petitioner has not filed any objections and the time in which to do so has passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 pending findings and recommendations are supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on June 15, 2023 (Doc. No. 7) are
6 adopted in full;
- 7 2. The petition for writ of habeas corpus (Doc. No. 1) is dismissed, without
8 prejudice;¹ and
- 9 3. The Clerk of the Court is directed to close this case.

10 IT IS SO ORDERED.

11 Dated: August 9, 2023

12 
UNITED STATES DISTRICT JUDGE

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27 ¹ Because petitioner is a federal prisoner bringing a § 2241 petition, a certificate of appealability
28 is not required. *See Harrison v. Ollison*, 519 F.3d 952, 958 (9th Cir. 2008) (“The plain language
of [28 U.S.C.] § 2253(c)(1) does not require a petitioner to obtain a COA in order to appeal the
denial of a § 2241 petition.”).